

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HARRY SMITH, JR., and ROSLYN )  
WOODARD SMITH, individually and as )  
Administrators of the ESTATE OF HARRY )  
SMITH, III )  
Plaintiffs, )  
v. ) C.A. No. 04-1254-GMS  
CITY OF WILMINGTON, JOHN ) JURY TRIAL DEMANDED  
CIRITELLA, THOMAS DEMPSEY and )  
MATTHEW KURTEN, )  
Defendants. )

**AFFIDAVIT OF DEBORAH DONOHUE**

COUNTY OF NEW CASTLE )  
                          ) SS:  
STATE OF DELAWARE     )

Deborah Donohue being first duly sworn, deposes and says that:

1. I am a Sergeant with the Wilmington Police Department and held that same rank on September 13, 2003.
2. On the evening of September 13, I was in a marked police car proceeding southbound on Washington Street in Wilmington when a motorist flagged me down and told me there was an incident involving other officers behind me on Washington Street. I made a u-turn on Washington Street at 11th Street and proceeded north on Washington Street toward the scene.
3. I then observed what appeared to be a struggle between two uniformed police officers and an unknown male. I observed the unknown male enter the patrol car used by the two officers and heard what sounded like a shot being fired. At this time I heard a radio broadcast from one of the officers: "He's got the car" or words to that effect.

4. The stolen police car sped south on Washington Street and I made a u-turn to follow. I may have made contact with the stolen police car as it passed by me. I followed the stolen police car southbound on Washington Street.

5. At 7th and Washington Streets the stolen police car made a right hand turn and headed west on 7th Street. Seventh Street is a narrow one-way eastbound street. The stolen police car was therefore heading against traffic. I followed the stolen car on 7th Street and observed three vehicles heading eastbound on 7th Street (the correct direction) pull over to the side to avoid being hit by the stolen police car.

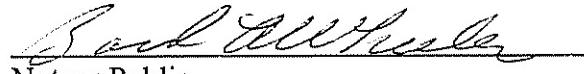
6. At the intersection of 7th and Monroe Streets the stolen police car made a left hand turn and headed southbound on Monroe Street. A Wilmington detective's car was on Monroe Street at the north side of the intersection of 7th and Monroe Street. It followed the stolen police car southbound on Monroe Street and became the lead car in the chase.

7. During the period that I was the lead car in the pursuit (described above) I observed the stolen police car to be traveling erratically and in excess of the posted speed limit.



Deborah Donohue  
Deborah Donohue

SWORN to and subscribed before me this  
9th day of June, 2006.



Barbara A. Wheeler  
Notary Public

BARBARA A. WHEELER  
Notary Public - State of Delaware  
My Comm. Expires June 20, 2006

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Kester I.H. Crosse, Esquire  
Williams & Crosse  
1214 King Street  
Suite 300  
Wilmington, DE 19801

I hereby certify that on June 14, 2006, I have sent by U.S. Regular Mail, the foregoing document to the following non-registered participants:

Anne T. Sulton, Esquire  
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